



City Attorney's Office

**949 E. 2nd Avenue
Durango, CO 81301**

(970) 375-5007 

www.durangoCO.gov 

SWORN AFFIDAVIT

1. I, José Madrigal, being duly sworn, state as follows.
2. I make this affidavit based on my personal knowledge and recollection of a telephone call on June 17, 2026, and to the best of my knowledge, information, and belief where indicated.
3. On June 17, 2026, Ellen Stein, the Opinion Editor for the Durango Herald, returned Tom Sluis's call between approximately 4:00 p.m. and 4:45 p.m. Mountain Time.
4. At the outset of the call, Mr. Sluis informed Ms. Stein that she was on speakerphone with him, me, and Mark Morgan.
5. During the call, Mr. Morgan told Ms. Stein that he had read an editorial written by Joe Lewandowski titled "City Council silenced the voices of Durango residents," and that it had numerous inaccurate statements and allegations about Mr. Morgan.
6. Mr. Morgan specifically identified as inaccurate the statement in which Mr. Lewandowski claimed that Mr. Morgan advised the City Council to cancel an election on the grounds that the ordinance at issue was administrative rather than legislative.
7. Ms. Stein responded that she was sorry the opinion piece had been published and that she knew it was wrong, explaining that she had intended to address it with Mr. Lewandowski.
8. Mr. Morgan asked Ms. Stein how she allowed the piece to be published given that this was the second time within a few months that the Herald had published a defamatory article about Mr. Morgan. Mr. Morgan asked Ms. Stein how she let it slip through the cracks as this is the second time within a few months that the Herald has published a defamatory article about him.
9. Ms. Stein apologized again and stated that Richard Ballantine, the Chair, was away, that she was managing the workload on her own, and that Mr. Lewandowski's article had "so many things wrong with it" that she let it "slip through the cracks."
10. Ms. Stein explained that she had been pressured by Mr. Lewandowski and Ted Wright to publish the article.
11. Ms. Stein acknowledged during the call that she knew the article was inaccurate and allowed it to be published anyway, and she said that was "on her."
12. Mr. Morgan told Ms. Stein that she seemed to be offering only excuses for the publication and again asked what Ms. Stein was going to do to fix it.
13. Mr. Morgan asked Ms. Stein if she realized that she had just admitted she knew the opinion piece was wrong yet chose to publish it anyway.
14. Ms. Stein then asked Mr. Morgan to specify which parts of the article he believed to be inaccurate.
15. As Mr. Morgan began to respond by referencing the portion stating that he advised the Council that the ordinance was administrative, Ms. Stein interrupted Mr. Morgan and

repeatedly said words to the effect of: “Mark, I need this in writing. I will not be able to correct it unless you send it to me in writing.”

16. Mr. Morgan replied that he and Mr. Sluis would prepare something in writing and send it to her.
17. To the best of my knowledge and recollection, the participants on the call were Ellen Stein, Tom Sluis, Mark Morgan, and me.
18. Where any dates, names, or quotations above are not exact, I have used my best recollection and understanding from the call on June 17, 2026, and I stand ready to confirm specific details as needed, including the exact time zone, the precise wording of statements in the editorial, and any additional identifying details for publication or retraction requests.

STATE OF COLORADO

)

) ss.

COUNTY OF LA PLATA

)

Subscribed and sworn to or affirmed before me this ____ day of _____, 2026, by
_____.

Affiant Signature

Notary Public

Notary ID Number: _____

My Commission Expires: _____